IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 24512 of 2004

Between:

Kurapati Pardhasaradhi, S/o. Venkateswarlu,
Shop No.17, Dhara Varithota,

Ongole Town, Ongole, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District, Ongole.
3 The Mandal Revenue Officer, Ongole, Prakasam District, Ongole.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the Revenue Divisional Officer, Ongole in RCC/1821/2004 dated 11-12-2004 as illegal, arbitrary, void and opposed to the principles of natural justice and also the provisions of A.P. State Public Distribution System Control Order, 2001 and further orders that the petitioner be entitled to function as the Fair Price Shop Dealer of Shop No.17, of Ongole Town, Ongole Prakasam District pending the disposal of the appeal filed by the petitioner on 16-12-2004 before the 1st respondent herein.

Counsel for the Petitioner:MR.I.GOPAL REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The petitioner is appointed as a fair price shop dealer. An inspection was conducted on 30-11-2004 by the Mandal Revenue Officer, the third respondent herein. On noticing certain irregularities, he initiated the proceedings under Section 6-A of the Essential Commodities Act (for short 'the Act') before the first respondent. He, in turn, took the proceedings on file and addressed a letter dated 07-12-2004 to the second respondent to initiate disciplinary action against the petitioner. Consequently, the second respondent passed an order dated 11-12-2004 suspending the authorisation of the petitioner. It is stated that the petitioner preferred an appeal before the first respondent against the order dated 11-12-2004, together with an application for stay. His grievance is that no orders have been passed by the first respondent so far.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The basis for suspension of the authorisation of the petitioner is the initiation of the proceedings against him under Section 6-A of the Act. The truth or otherwise of the allegations against the petitioner for instituting proceedings under Section 6-A of the Act, needs to be considered by the first respondent after examining the record and considering the explanation offered by the petitioner. It may not be advisable or feasible to permit the petitioner to function as fair price shop dealer till the disposal of the proceedings under Section 6-A of the Act. Since the first respondent is the appellate authority against the order of suspension and original authority in respect of proceedings under Section 6-A of the Act, he has to deal with the same together.

Hence, the writ petition is disposed of directing the first respondent to pass appropriate orders in the proceedings initiated under Section 6-A of the Act against the petitioner as well as the appeal preferred by him, within a period of four weeks

from the date of receipt of a copy of this order. The second respondent shall not appoint any dealer on permanent basis, in place of the petitioner till the disposal of the appeal by the first respondent. No order as to costs.

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29-12-2004

Note: Issue C.C. by three days

(B/o)

kdl

To

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District, Ongole.
3 The Mandal Revenue Officer, Ongole, Prakasam District, Ongole.

4 Two CCs to the Government Pleader for Civil Supplies, A.P.High Court Buildings, Hyderabad (OUT).

5 Two CD copies.